

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF  
AMERICA

Plaintiff,

v.

DELEO BARNER

Defendant.

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) No. 4:20-CR-174-SEP/NAB  
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**SENTENCING MEMORANDUM**

DeLeo Barner did the wrong thing for the right reasons, and has paid a steep price for his actions even before his sentencing in this case. The repercussions of his terrible choice will reverberate through his life and the life of his family forever. It is unclear whether he will ever be able to travel back to the country where his wife and four of his children remain.

Mr. Barner joined the Army right out of high school, to escape the violence plaguing St. Louis. This first stint in the military resulted in his being dismissed for misconduct deemed minor enough that it did not merit court martial proceedings or even a dishonorable discharge. The most difficult part of his dismissal was that he was barred from re-enlisting for an indeterminate amount of time. He arrived back home to a St. Louis that was even worse from the one he had left. Many of the friends he went to school with were dead or in prison. His first three weeks home, he lost two friends to gun violence. More soon followed after that. He was terrified that he would succumb to the

same awful circumstances. In desperation, he spoke with a military recruiter about how soon he could possibly rejoin.

He was told by the recruiter it would be more than a year before he could try to reenlist, but there might be another way back in with someone else's information. Following this advice, he rejoined the military under the name Joel Sanders and vowed that this time would be different. He would put in his best effort and serve honorably, not taking the opportunity for granted as he had the first time. By all accounts, it appears that this is exactly what he did. He received a number of medals for his service, including one for good conduct. Ultimately, the Army botched a surgery that left Mr. Barner disabled, and he received a medical discharge from the military as Joel Sanders.

Following his medical discharge, Mr. Barner made a life for himself in Germany. He had six children there, four of whom still live in Berlin. He used his military experience to start a security business there and ran it successfully for many years. His German partner flew to the United States while this case has been pending so they could get married. Her father recently passed away, and Mr. Barner is devastated that he cannot be there with her to help and comfort her through the process of laying him to rest. None of his children bear his real name, and the process of explaining all of this to his family was excruciating. Mr. Barner lives with the pressing weight of his poor decision nearly 40 years ago every single day. He is extremely remorseful for his actions and wants to do whatever he can to make amends.

Since his release on bond in this case, Mr. Barner has complied impeccably with all conditions. He was moved down from more restrictive location monitoring conditions to a

curfew. He was granted permission to travel outside the Eastern District of Missouri for work, and granted several other travel permissions while on bond with no violations noted. Mr. Barner respectfully suggests that this is strong evidence to show that a sentence of imprisonment is unnecessary in this case. Based on all of the foregoing, he humbly requests that the Court grant him a sentence of probation as it is sufficient but not greater than necessary to achieve the goals of punishment in this case.

Respectfully submitted,

/s/Melissa K. Goymerac

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ATTORNEY FOR DEFENDANT

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the United States Attorney.

/s/Melissa K. Goymerac

MELISSA K. GOYMERAC

Assistant Federal Public Defender